

Message Text

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ORIGIN OES-06

INFO OCT-01 ISO-00 EPA-04 SIG-02 EUR-12 AID-05 CEA-01

CIAE-00 COME-00 EB-07 EA-09 FRB-01 INR-07 IO-13

NEA-10 NSAE-00 USIA-15 OPIC-06 SP-02 TRSE-00 CIEP-02

LAB-04 SIL-01 AGRE-00 OMB-01 SS-15 NSC-05 L-03 H-02

CEQ-01 DOTE-00 HUD-02 HEW-06 STR-04 INT-05 /152 R

DRAFTED BY OES/ENP/EN:PGLASOE:

APPROVED BY OES/ENP/EN:DRKING

EPA:JTHOMPSON

EUR/RPE:JPOLANSKY

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R 132031Z OCT 76

FM SECSTATE WASHDC

TO ALL OECD CAPITALS

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E.O. 11652: NA

TAGS: SENV, OECD

SUBJECT: ENVIRONMENT COMMITTEE--U.S. TOXIC SUBSTANCES
LEGISLATION PASSED; PCBS

1. U.S. TOXIC SUBSTANCES CONTROL ACT WAS SIGNED
INTO LAW ON OCTOBER 11, 1976.
2. COPIES OF FINAL ACT WILL BE MADE AVAILABLE AT OCTOBER
20 MEETING OF OECD CHEMICALS GROUP.
3. OF IMMEDIATE INTEREST IS THE FACT THAT SECTION 6 OF
THE ACT CONTAINS A SUBSECTION (E) SPECIFICALLY DEALING
WITH POLYCHLORINATED BIPHENYLS (PCBS). (THIS IS THE ONLY
CHEMICAL SINGLED OUT FOR "SPECIAL" TREATMENT.)

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4. IN SUMMARY, THE PCB PROVISIONS CALL FOR AN END TO THE MANUFACTURING, PROCESSING, DISTRIBUTION OR USE OF PCBS IN OPEN SYSTEMS WITHIN ONE YEAR. ALL MANUFACTURING OF PCBS IS TO CEASE WITHIN TWO YEARS. ALL DISTRIBUTION OF PCBS IN COMMERCE IS TO CEASE WITHIN TWO AND ONE-HALF YEARS. THE ADMINISTRATOR OF EPA MAY GRANT EXEMPTIONS UP TO ONE YEAR TO ANY PERSON IF SUCH EXEMPTION "WILL NOT PRESENT AN UNREASONABLE RISK OF INJURY TO HEALTH OR THE

ENVIRONMENT," AND GOOD FAITH EFFORTS ARE BEING MADE TO DEVELOP A SUBSTITUTE.

5. (IN A NOT UNRELATED MOVE, MONSANTO CORPORATION (THE U.S.'S SOLE PRODUCER OF PCBS) ANNOUNCED ON OCTOBER 6 THAT IT WOULD CEASE PRODUCTION OF PCBS ENTIRELY BY OCTOBER 31, 1977.)

6. WHILE THERE IS NO REFERENCE TO INTERNATIONAL TRADE IN PCBS IN SUBSECTION (E) OF SECTION 6, THE IMPORTATION OF PCBS OR PCB CONTAINING PRODUCTS WILL CLEARLY BE PROSCRIBED ON AN APPROPRIATE TIMESCALE IN ACCORDANCE WITH SECTION 13 OF THE ACT, WHICH PROHIBITS IMPORTS OF BANNED CHEMICALS. (EXPORTS, ON THE OTHER HAND, ARE NOT SO PROSCRIBED.)

7. U.S. REPS TO THE UPCOMING CHEMICALS GROUP MEETING WILL BE ABLE TO DISCUSS TSCA IN GENERAL, AND PCB PROVISIONS IN PARTICULAR. IT IS CLEAR, HOWEVER, THAT SOME TYPE OF CONCERTED, EFFECTIVE APPROACH TO THE QUESTION OF MARKING AND LABELING IS NOW EVEN MORE URGENT THAN HERETOFORE, IF SERIOUS TRADE PROBLEMS (OR AT LEAST DISPUTES) ARE TO BE AVOIDED. AT THIS JUNCTURE, WE DO NOT HAVE CONCRETE PROPOSALS ON THE LABELING ISSUE, BUT HOPE TO HAVE SOMETHING TO PRESENT TO THE CHEMICALS GROUP MEETING.

8. OECD CAPITALS: PLEASE CONVEY PRECEDING TO APPROPRIATE HOST GOVERNMENT OFFICIAL(S), MAKING SPECIFIC REFERENCE TO DESIRABILITY OF THEIR REPRESENTATIVE TO OCTOBER 20-22 OECD MEETING OF OECD ENVIRONMENT COMMITTEE'S CHEMICALS GROUP BEING PREPARED TO DISCUSS UNCLASSIFIED

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EFFECTIVE INTERNATIONAL ACTION ON QUESTION OF DEFINITION AND LABELING OF PCBS.

9. U.S. MISSION OECD: PLEASE PASS PRECEDING TO MARIA IDMAN OF OECD SECRETARIAT, TOGETHER WITH REQUEST THAT SHE WORK WITH U.S. REP TO CHEMICALS GROUP, LOWELL MILLER, DURING BUREAU MEETING TO ASSURE TIME IS SET ASIDE DURING GROUP MEETING TO PURSUE THE PCB ISSUE (REF: PARAS (D)

AND (E) OF ENTRY INTO COUNCIL MINUTES ON PCBS). KISSINGER

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